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18 Attorneys for Defendants,

19 E-Cig Gallery Wholesale and Distribution, Inc.

20 Vapor Range, Inc.

21 Vapor Authority, Inc.

22 Electronic Cigarettes, Inc.

23 VAPRO Supply, LLC

24 D&A Distribution

25 Madvapes Holdings, LLC

26 LA Vapor, Inc.

27 and Defendant/Counterclaimant

28 Lan & Mike International Trading Inc.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

19 MIKE SARIEDDINE,
20 an individual

21 Plaintiff,

22 v.

23 D&A DISTRIBUTION, LLC *et*
24 *al.*

25 Defendants.

26 -----
27 LAN AND MIKE INTERNATIONAL
28 TRADING, INC.

Counter-claimant

v.

MIKE SARIEDDINE, an individual,
Counter-defendant

Case No. 2:17-cv-02390-DSF (MRW)

Assigned to: Hon Dale. S. Fischer

ANSWER AND COUNTERCLAIM

JURY TRIAL DEMANDED

1 Defendants distributors E-Cig Gallery Wholesale and Distribution, Inc., Vapor
2 Range, Inc., Vapor Authority, Inc., Electronic Cigarettes, Inc., VAPRO Supply,
3 LLC, D&A Distribution, Madvapes Holdings, LLC, Lan & Mike International
4 Trading Inc., and LA Vapor, Inc., (collectively “Defendants”) hereby answer the
5 Complaint of Plaintiff Mike Saredine as follows:
6

7
8 **ANSWER TO THE ALLEGATIONS OF THE COMPLAINT**

9 1. The allegations contained in Paragraph 1 are legal conclusions that do
10 not require a response from Defendants. Defendants otherwise deny the allegations
11 in Paragraph 1 of the Complaint.
12

13 2. Defendants are without sufficient knowledge or information to form a
14 belief as to the truth of the allegations contained in Paragraph 2 of the Complaint and
15 therefore deny such allegations.
16

17 3. Defendants are without sufficient knowledge or information to form a
18 belief as to the truth of the allegations contained in Paragraph 3 of the Complaint and
19 therefore deny such allegations.
20

21 4. Defendants admit that the purported “Settlement Agreement” is attached
22 to the Complaint. Defendants are without sufficient knowledge or information to
23 form a belief as to the truth of the remainder of the allegations contained in
24 Paragraph 4 of the Complaint and therefore deny such allegations.
25

26 5. Defendants admit that the purported “Settlement Agreement” is attached
27 to the Complaint. Defendants are without sufficient knowledge or information to
28

1 form a belief as to the truth of the remainder of the allegations contained in
2 Paragraph 5 of the Complaint and therefore deny such allegations.
3

4 6. Defendants are without sufficient knowledge or information to form a
5 belief as to the truth of the allegations contained in Paragraph 6 of the Complaint and
6 therefore deny such allegations.
7

8 7. Defendants are without sufficient knowledge or information to form a
9 belief as to the truth of the allegations contained in Paragraph 7 of the Complaint and
10 therefore deny such allegations.
11

12 8. Defendants are without sufficient knowledge or information to form a
13 belief as to the truth of the allegations contained in Paragraph 8 of the Complaint and
14 therefore deny such allegations.
15

16 9. Defendants deny the allegations contained in Paragraph 9 of the
17 Complaint.
18

19 10. Defendants deny the allegations contained in Paragraph 10 of the
20 Complaint.
21

22 11. Defendants admit the allegations contained in Paragraph 11 of the
23 Complaint.
24

25 12. Defendants admit that this Court has supplemental jurisdiction over
26 Plaintiff's pendent state law claims pursuant to 28 U.S.C. § 1367. Defendants deny
27 the remaining allegations contained in Paragraph 12 of the Complaint.
28

1 13. Defendants are without sufficient knowledge or information to form a
2 belief as to the truth of the allegations contained in Paragraph 13 of the Complaint,
3 and therefore deny such allegations.
4

5 14. The allegations contained in Paragraph 14 are legal conclusions that do
6 not require a response from Defendants. Defendants otherwise deny the allegations
7 in Paragraph 14 of the Complaint.
8

9 15. The allegations contained in Paragraph 15 are legal conclusions that do
10 not require a response from Defendants. Defendants otherwise deny the allegations
11 in Paragraph 15 of the Complaint.
12

13 16. The allegations contained in Paragraph 16 are legal conclusions that do
14 not require a response from Defendants. Defendants otherwise deny the allegations
15 in Paragraph 16 of the Complaint.
16

17 17. Defendants are without sufficient knowledge or information to form a
18 belief as to the allegations contained in Paragraph 17 of the Complaint and therefore
19 deny them.
20

21 18. Defendant D&A distribution, LLC admits the allegations contained in
22 Paragraph 18 of the Complaint. The remaining Defendants are without sufficient
23 knowledge or information to form a belief as to the truth of the allegations contained
24 in Paragraph 18 of the Complaint and therefore deny them.
25

26 19. Defendant Electronic Cigarettes, Inc. admits the allegations contained in
27 Paragraph 19 of the Complaint. The remaining Defendants are without sufficient
28

1 knowledge or information to form a belief as to the truth of the allegations contained
2 in Paragraph 19 of the Complaint and therefore deny them.
3

4 20. Defendant LA Vapor, Inc. admits the allegations contained in Paragraph
5 20 of the Complaint. The remaining Defendants are without sufficient knowledge or
6 information to form a belief as to the truth of the allegations contained in Paragraph
7 20 of the Complaint and therefore deny them.
8

9 21. Defendant MadVapes Holdings, Inc. denies the allegations contained in
10 Paragraph 21 of the Complaint. The remaining Defendants are without sufficient
11 knowledge or information to form a belief as to the truth of the allegations contained
12 in Paragraph 21 of the Complaint and therefore deny them.
13

14 22. Defendants are without sufficient knowledge or information to form a
15 belief as to the truth of the allegations contained in Paragraph 22 of the Complaint
16 and therefore deny them.
17

18 23. Defendants are without sufficient knowledge or information to form a
19 belief as to the truth of the allegations contained in Paragraph 23 of the Complaint
20 and therefore deny them.
21

22 24. Defendants are without sufficient knowledge or information to form a
23 belief as to the truth of the allegations contained in Paragraph 24 of the Complaint
24 and therefore deny them.
25
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1 25. Defendants are without sufficient knowledge or information to form a
2 belief as to the truth of the allegations contained in Paragraph 25 of the Complaint
3 and therefore deny them.
4

5 26. Defendant VaporDNA admits the allegations contained in Paragraph 26
6 of the Complaint. The remaining Defendants are without sufficient knowledge or
7 information to form a belief as to the truth of the allegations contained in Paragraph
8 26 of the Complaint and therefore deny them.
9

10 27. Defendant Vapor Authority, Inc. denies the allegations contained in
11 Paragraph 27 of the Complaint. The remaining Defendants are without sufficient
12 knowledge or information to form a belief as to the truth of the allegations contained
13 in Paragraph 27 of the Complaint and therefore deny them.
14
15

16 28. Defendant Vapor Range, Inc. admits the allegations contained in
17 Paragraph 28 of the Complaint. The remaining Defendants are without sufficient
18 knowledge or information to form a belief as to the truth of the allegations contained
19 in Paragraph 28 of the Complaint and therefore deny them.
20

21 29. Defendant VAPRO Supply, LLC admits the allegations contained in
22 Paragraph 29 of the Complaint. The remaining Defendants are without sufficient
23 knowledge or information to form a belief as to the truth of the allegations contained
24 in Paragraph 29 of the Complaint and therefore deny them.
25

26 30. Defendant E-Cig Gallery Wholesale and Distribution, Inc. admits the
27 allegations contained in Paragraph 30 of the Complaint. The remaining Defendants
28

1 are without sufficient knowledge or information to form a belief as to the truth of the
2 allegations contained in Paragraph 30 of the Complaint and therefore deny them.

3
4 31. Defendants are without sufficient knowledge or information to form a
5 belief as to the truth of the allegations contained in Paragraph 31 of the Complaint
6 and therefore deny them.

7
8 32. Defendants deny that Plaintiff sells e-cigarette vaporizers. Defendants
9 are without sufficient knowledge or information to form a belief as to the truth of the
10 remainder of the allegations contained in Paragraph 32 of the Complaint and
11 therefore deny them.
12

13 33. Defendants admit that the website “www.alienvape.com” is currently
14 active and advertises certain products. Defendants are without sufficient knowledge
15 or information to form a belief as to the truth of the remainder of the allegations
16 contained in Paragraph 33 of the Complaint and therefore deny them.
17

18 34. Defendants deny the allegations contained in Paragraph 34 of the
19 Complaint.
20

21 35. Defendants deny the allegations contained in Paragraph 35 of the
22 Complaint.
23

24 36. Defendants admit the allegations contained in Paragraph 36 of the
25 Complaint.
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27
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1 37. The allegations contained in Paragraph 37 are legal conclusions that do
2 not require a response from Defendants. Defendants otherwise deny the allegations
3 in Paragraph 37 of the Complaint.
4

5 38. Defendants are without sufficient knowledge or information to form a
6 belief as to the truth of the allegations contained in Paragraph 38 of the Complaint,
7 and therefore deny them.
8

9 39. Defendants deny the allegations contained in Paragraph 39 of the
10 Complaint.
11

12 40. Defendants are without sufficient knowledge or information to form a
13 belief as to the truth of the allegations contained in Paragraph 40 of the Complaint
14 and therefore deny them.
15

16 41. Defendants are without sufficient knowledge or information to form a
17 belief as to the truth of the allegations contained in Paragraph 41 of the Complaint
18 and therefore deny them.
19

20 42. Defendants are without sufficient knowledge or information to form a
21 belief as to the truth of the allegations contained in Paragraph 42 of the Complaint
22 and therefore deny them.
23

24 43. Defendants are without sufficient knowledge or information to form a
25 belief as to the truth of the allegations contained in Paragraph 43 of the Complaint
26 and therefore deny them.
27
28

1 44. Defendants are without sufficient knowledge or information to form a
2 belief as to the truth of the allegations contained in Paragraph 44 of the Complaint
3 and therefore deny them.
4

5 45. Defendants admit that the purported "Settlement Agreement" is attached
6 to the Complaint. Defendants are without sufficient knowledge or information to
7 form a belief as to the truth of the remainder of the allegations contained in
8 Paragraph 45 and therefore deny them.
9

10 46. Defendants admit that the purported "Settlement Agreement" is attached
11 to the Complaint. Defendants are without sufficient knowledge or information to
12 form a belief as to the truth of the remainder of the allegations contained in
13 Paragraph 46 and therefore deny them.
14
15

16 47. Defendants are without sufficient knowledge or information to form a
17 belief as to the truth of the allegations contained in Paragraph 47 of the Complaint
18 and therefore deny them.
19

20 48. Defendants are without sufficient knowledge or information to form a
21 belief as to the truth of the allegations contained in Paragraph 48 of the Complaint
22 and therefore deny them.
23

24 49. Defendants are without sufficient knowledge or information to form a
25 belief as to the truth of the allegations contained in Paragraph 49 of the Complaint
26 and therefore deny them.
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1 50. Defendants are without sufficient knowledge or information to form a
2 belief as to the truth of the allegations contained in Paragraph 50 of the Complaint
3 and therefore deny them.
4

5 51. Defendants admit that the purported “Settlement Agreement” is attached
6 to the Complaint. The allegations contained in Paragraph 51 of the Complaint are
7 legal conclusions to which no response is required. Defendants are without
8 sufficient knowledge or information to form a belief as to the truth of the remainder
9 of the allegations contained in Paragraph 51 of the Complaint and therefore deny
10 them.
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12 52. Defendants are without sufficient knowledge or information to form a
13 belief as to the truth of the allegations contained in Paragraph 52 of the Complaint
14 and therefore deny them.
15
16

17 53. Defendants are without sufficient knowledge or information to form a
18 belief as to the truth of the allegations contained in Paragraph 53 of the Complaint
19 and therefore deny them.
20

21 54. Defendants are without sufficient knowledge or information to form a
22 belief as to the truth of the remainder of the allegations contained in Paragraph 54
23 and therefore deny them.
24

25 55. Defendants are without sufficient knowledge or information to form a
26 belief as to the truth of the remainder of the allegations contained in Paragraph 55 of
27 the Complaint and therefore deny them.
28

1 56. Defendants deny the allegations contained in Paragraph 56 of the
2 Complaint.

3
4 57. Defendants are without sufficient knowledge or information to form a
5 belief as to the truth of the allegations contained in Paragraph 57 of the Complaint
6 and therefore deny them.

7
8 58. Defendants are without sufficient knowledge or information to form a
9 belief as to the truth of the allegations contained in Paragraph 58 of the Complaint
10 and therefore deny them.

11
12 59. Defendants are without sufficient knowledge or information to form a
13 belief as to the truth of the allegations contained in Paragraph 59 of the Complaint
14 and therefore deny them.

15
16 60. Defendants are without sufficient knowledge or information to form a
17 belief as to the truth of the allegations contained in Paragraph 60 of the Complaint
18 and therefore deny them.

19
20 61. The allegations contained in Paragraph 61 are legal conclusions that do
21 not require a response from Defendants. Defendants otherwise deny the allegations
22 in Paragraph 61 of the Complaint.

23
24 62. Defendants admit that the purported “Settlement Agreement” is attached
25 to the Complaint. Defendants are without sufficient knowledge or information to
26 form a belief as to the truth of the remainder of the allegations contained in
27 Paragraph 62 and therefore deny them.
28

1 63. Defendants are without sufficient knowledge or information to form a
2 belief as to the truth of the allegations contained in Paragraph 63 of the Complaint
3 and therefore deny them.
4

5 64. Defendants are without sufficient knowledge or information to form a
6 belief as to the truth of the allegations contained in Paragraph 64 of the Complaint
7 and therefore deny them.
8

9 65. Defendants are without sufficient knowledge or information to form a
10 belief as to the truth of the allegations contained in Paragraph 65 of the Complaint
11 and therefore deny them.
12

13 66. Defendants are without sufficient knowledge or information to form a
14 belief as to the truth of the allegations contained in Paragraph 66 of the Complaint
15 and therefore deny them.
16

17 67. Defendants are without sufficient knowledge or information to form a
18 belief as to the truth of the allegations contained in Paragraph 67 of the Complaint
19 and therefore deny them.
20

21 68. Defendants are without sufficient knowledge or information to form a
22 belief as to the truth of the allegations contained in Paragraph 68 of the Complaint
23 and therefore deny them.
24

25 69. Defendants are without sufficient knowledge or information to form a
26 belief as to the truth of the allegations contained in Paragraph 69 of the Complaint
27 and therefore deny them.
28

1 70. Defendants deny the allegations contained in Paragraph 70 of the
2 Complaint.

3 71. The allegations contained in Paragraph 71 are legal conclusions that do
4 not require a response from Defendants. Defendants otherwise deny the allegations
5 in Paragraph 71 of the Complaint.
6

7 72. In response to Paragraph 72 of the Complaint, Defendants incorporate
8 their responses to ¶¶1-71 above, as if fully stated herein.
9

10 73. The allegations contained in Paragraph 73 are legal conclusions that do
11 not require a response from Defendants. Defendants otherwise deny the allegations
12 in Paragraph 73 of the Complaint.
13

14 74. Defendants deny the allegations contained in Paragraph 74 of the
15 Complaint.
16

17 75. Defendants deny the allegations contained in Paragraph 75 of the
18 Complaint.
19

20 76. Defendants deny the allegations contained in Paragraph 76 of the
21 Complaint.
22

23 77. Defendants deny the allegations contained in Paragraph 77 of the
24 Complaint.
25

26 78. Defendants deny the allegations contained in Paragraph 78 of the
27 Complaint.
28

1 79. Defendants deny the allegations contained in Paragraph 79 of the
2 Complaint.

3
4 80. In response to Paragraph 80 of the Complaint, Defendants incorporate
5 their responses to ¶¶1-71 above, as if fully stated herein.

6 81. Defendants deny the allegations contained in Paragraph 81 of the
7 Complaint.

8
9 82. Defendants are without sufficient knowledge or information to form a
10 belief as to the truth of the allegations contained in Paragraph 82 of the Complaint
11 and therefore deny them.

12
13 83. Defendants deny the allegations contained in Paragraph 83 of the
14 Complaint.

15
16 84. Defendants deny the allegations contained in Paragraph 84 of the
17 Complaint.

18
19 85. Defendants deny the allegations contained in Paragraph 85 of the
20 Complaint.

21 86. Defendants deny the allegations contained in Paragraph 86 of the
22 Complaint.

23
24 87. Defendants deny the allegations contained in Paragraph 87 of the
25 Complaint.

26 88. In response to Paragraph 88 of the Complaint, Defendants incorporate
27 their responses to ¶¶1-71 above, as if fully stated herein.
28

1 89. Defendants deny the allegations contained in Paragraph 89 of the
2 Complaint.

3 90. Defendants deny the allegations contained in Paragraph 90 of the
4 Complaint.

5 91. Defendants deny the allegations contained in Paragraph 91 of the
6 Complaint.

7 92. In response to Paragraph 92 of the Complaint, Defendants incorporate
8 their responses to ¶¶1-71 above, as if fully stated herein.

9 93. Defendants deny the allegations contained in Paragraph 93 of the
10 Complaint.

11 94. Defendants deny the allegations contained in Paragraph 94 of the
12 Complaint.

13 95. In response to Paragraph 95 of the Complaint, Defendants incorporate
14 their responses to ¶¶1-71 above, as if fully stated herein.

15 96. Defendants deny the allegations contained in Paragraph 96 of the
16 Complaint.

17 97. Defendants deny the allegations contained in Paragraph 97 of the
18 Complaint.

19 98. In response to Paragraph 98 of the Complaint, Defendants incorporate
20 their responses to ¶¶1-71 above, as if fully stated herein.

1 99. Defendants are without sufficient knowledge or information to form a
2 belief as to the truth of the allegations contained in Paragraph 99 of the Complaint
3 and therefore deny them.
4

5 100. Defendants are without sufficient knowledge or information to form a
6 belief as to the truth of the allegations contained in Paragraph 100 of the Complaint
7 and therefore deny them.
8

9 101. Defendants are without sufficient knowledge or information to form a
10 belief as to the truth of the allegations contained in Paragraph 101 of the Complaint
11 and therefore deny them.
12

13 102. Defendants are without sufficient knowledge or information to form a
14 belief as to the truth of the allegations contained in Paragraph 102 of the Complaint
15 and therefore deny them.
16

17 103. Defendants are without sufficient knowledge or information to form a
18 belief as to the truth of the allegations contained in Paragraph 103 of the Complaint
19 and therefore deny them.
20

21 104. Defendants are without sufficient knowledge or information to form a
22 belief as to the truth of the allegations contained in Paragraph 104 of the Complaint
23 and therefore deny them.
24

25 105. Defendants are without sufficient knowledge or information to form a
26 belief as to the truth of the allegations contained in Paragraph 105 of the Complaint
27 and therefore deny them.
28

1 106. Defendants are without sufficient knowledge or information to form a
2 belief as to the truth of the allegations contained in Paragraph 106 of the Complaint
3 and therefore deny them.
4

5 107. In response to Paragraph 107 of the Complaint, Defendants incorporate
6 their responses to ¶¶1-71 above, as if fully stated herein.
7

8 108. Defendants are without sufficient knowledge or information to form a
9 belief as to the truth of the allegations contained in Paragraph 108 of the Complaint
10 and therefore deny them.
11

12 109. Defendants are without sufficient knowledge or information to form a
13 belief as to the truth of the allegations contained in Paragraph 109 of the Complaint
14 and therefore deny them.
15

16 110. Defendants are without sufficient knowledge or information to form a
17 belief as to the truth of the allegations contained in Paragraph 110 of the Complaint
18 and therefore deny them.
19

20 111. Defendants are without sufficient knowledge or information to form a
21 belief as to the truth of the allegations contained in Paragraph 111 of the Complaint
22 and therefore deny them.
23

24
25 Plaintiff's Prayer for Relief does not require a response, but insofar as an
26 answer is deemed necessary, Defendants deny that Plaintiff is entitled to the
27 requested relief or to any relief whatsoever.
28

AFFIRMATIVE DEFENSES

First Affirmative Defense

The Complaint, and each cause of action set forth in the Complaint, fails to state a claim upon which relief may be granted.

Second Affirmative Defense

Defendants have not infringed U.S. Trademark Registration Nos. 4997336 and 4517249.

Third Affirmative Defense

U.S. Trademark Registration Nos. 4997336 and 4517249, both purportedly owned by Plaintiff, are invalid and unenforceable.

Fourth Affirmative Defense

Plaintiff's allegations in the Complaint are barred under the doctrines of acquiescence, implied license, waiver, and/or estoppel.

Fifth Affirmative Defense

Plaintiff's claims are barred in whole or in part by the equitable principle and defense of unclean hands, and Plaintiff therefore is precluded at law and in equity from asserting any of the claims purported to be set forth in the Complaint.

Sixth Affirmative Defense

Plaintiff is estopped from alleging or seeking damages with regard to any alleged rights or remedies which Plaintiff claims to have, by reason of his own

1 actions including, but not limited to, his own material breach of any alleged contracts
2 and/or agreements, fraud and other conduct, acts and/or omissions.
3

4 **Seventh Affirmative Defense**

5 Plaintiff knowingly made a false, material representation of fact to the USPTO
6 in order to procure his trademark for ALIEN VAPE. This constitutes fraud and
7 voids the trademark. Plaintiff filed for U.S. Trademark No. 4997336 for ALIEN
8 VAPE on November 17, 2015. The basis pled by Plaintiff in the application was
9 “1(a),” which signifies that, at the time of the application, Plaintiff was actually
10 using this mark in commerce on the identified goods and services. The “goods and
11 services” alleged to be “in use” at the time the application was filed include
12 “Electronic cigarettes; Oral vaporizers for smokers.” The application states: “Use in
13 Commerce: The applicant is using the mark in commerce on or in connection with
14 the identified goods/services.” The application continues: “the mark was first used
15 by the applicant or the applicant's related company or licensee predecessor in interest
16 at least as early as 04/15/2013, and first used in commerce at least as early as
17 04/15/2013, and is now in use in such commerce.” The specimen submitted by
18 Plaintiff is a photo of a bottle of e-juice, which is not an electronic cigarette or an
19 oral vaporizer.
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25 Plaintiff acknowledged in his declaration in support of his application for a
26 temporary restraining order that “I have not sold vaporizers since 2014.” (ECF 74-1,
27
28

¶6.) Therefore, at the time the application was filed, Plaintiff was not actually using his trademarks on those goods and services, as asserted in his application.

Therefore, Plaintiff has committed fraud on the United States Patent and Trademark Office, and the registration is void.

Eight Affirmative Defense

Plaintiff's claims for trademark infringement are barred on the grounds that the alleged trademark which forms the basis of such claims fails to function as a trademark and is generic and/or lacks requisite secondary meaning and is therefore unprotectable.

Ninth Affirmative Defense

Plaintiff's claims for trademark infringement are barred on the grounds that Defendants' activities do not result in a likelihood of confusion or in any deception, dilution, tarnishment or other harm with respect to Plaintiff's alleged trademark rights.

Tenth Affirmative Defense

The Court lacks personal Jurisdiction over Defendants.

Eleventh Affirmative Defense

To the extent that Defendants are found to have infringed based upon one or more claims of Plaintiff's Complaint, such infringement was not willful, but was inadvertent.

1 **Twelfth Affirmative Defense**

2 Plaintiff's Complaint is frivolous and/or has been brought in bad faith.
3 Accordingly, Defendants are entitled to recover their costs, including attorney's fees,
4 incurred in defending against the Complaint.
5

6 **Thirteenth Affirmative Defense**

7 Plaintiff is barred from pursuing his claims in this District, because venue is
8 improper.
9

10 **Fourteenth Affirmative Defense**

11 Defendants allege that Plaintiff suffered no cognizable injury as a result of the
12 matters alleged in his Complaint.
13

14
15 WHEREFORE, Defendants pray that the Court enter judgment in its favor and
16 against Plaintiff with regard to the claims in the Complaint and grant the following
17 relief: a judgment dismissing Plaintiff's Complaint in its entirety with prejudice, for
18 attorney fees as provided by contract or statute, and for such other and further relief as
19 the Court deems just and proper.
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COUNTERCLAIM

Defendant/Counterclaim Plaintiff Lan & Mike International Trading Inc. dba VaporDNA (“VaporDNA”) counterclaims against Plaintiff/Counterclaim Defendant Mike Saredidine (“Saredidine”) for an order adjudicating that U.S. Trademark Registration Nos. 4997336 (the “Registration”) is void, invalid and unenforceable for fraud and should be canceled.

PARTIES

1. Defendant/Counterclaim Plaintiff VaporDNA is a California corporation with an address of 20435 Gramercy Place, Ste 101, Torrance, CA 90501.
2. Plaintiff/Counterclaim Defendant Mike Saredidine is an individual residing in the county of Los Angeles, California.
3. Saredidine claims to be the owner of the Trademarks.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction as it involves issues concerning trademarks arising under United States law, namely, 15 U.S.C. § 1051 et seq., and under 28 U.S.C. §§ 1331, 1332 and 1338(a) and the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202.
5. Venue for the counterclaim is based on Saredidine having brought an action against VaporDNA in this district, and under 28 U.S.C. §§ 1391(b) and (c).

1 6. This Court has personal jurisdiction over Sarieddine because he resides
2 in this judicial district and because Sarieddine has filed the instant action in this
3 Court.
4

5 **First Counterclaim**

6 7. VaporDNA repeats and realleges the allegations in Paragraphs 1-4 of its
7 Counterclaims and in the Seventh Affirmative Defense above.
8

9 8. Based on the foregoing, VaporDNA seeks a declaratory judgment that
10 the Registration is void, invalid and unenforceable due to fraud on the USPTO.
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PRAYER FOR RELIEF

WHEREFORE, VaporDNA prays for judgment against Saredidine as follows:

- a. For an order that the Registration is void, invalid and unenforceable;
- b. For an order canceling the Registration as void, invalid and unenforceable;
- c. For such other and further relief as this Court deems just and proper.

Dated: June 5, 2017

Respectfully submitted,

KOHAN LAW FIRM

By: /S/ *K. Tom Kohan*
K. Tom Kohan

Attorneys for Defendants,
E-Cig Gallery Wholesale and Distribution, Inc.
Vapor Range, Inc.
Vapor Authority, Inc.
Electronic Cigarettes, Inc.
VAPRO Supply, LLC
D&A Distribution
Madvapes Holdings, LLC
Lan & Mike International Trading Inc.
LA Vapor, Inc.

Attorneys for Defendfant/Counterclaimant,
Lan & Mike International Trading Inc.

DEMAND FOR JURY TRIAL

Defendants and Counterclaimant hereby request trial by jury on all claims asserted, as provided by Rule 38 of the Federal Rules of Civil Procedure.

Dated: June 5, 2017

KOHAN LAW FIRM

By: /S/ *K. Tom Kohan*
K. Tom Kohan

Attorneys for Defendants,
E-Cig Gallery Wholesale and Distribution, Inc.
Vapor Range, Inc.
Vapor Authority, Inc.
Electronic Cigarettes, Inc.
VAPRO Supply, LLC
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Madvapes Holdings, LLC
Lan & Mike International Trading Inc.
LA Vapor, Inc.

Attorneys for Defendfant/Counterclaimant,
Lan & Mike International Trading Inc.